

1 contamination.” May 3, 2007 Memorandum and Order at 14. Defendants’ proposed
2 modification addresses the Court’s concerns; it provides a mechanism for advising farmers if
3 their crops are in danger of contamination from Roundup Ready alfalfa.

4 In so ruling the Court does not intend to express any opinion as to whether such
5 information is discoverable under the Freedom of Information Act or whether public
6 disclosure creates a credible threat of vandalism. Regardless of such issues, the injunctive
7 relief should not be more broad than necessary. The Court is not persuaded that public
8 disclosure on a website is necessary to ensure that those farmers who are genuinely
9 concerned about contamination from Roundup Ready alfalfa can effectively and efficiently
10 learn if any such alfalfa is being grown in the vicinity of the farmers’ crops or proposed
11 crops.

12 Any modification to the Court’s judgment, however, must provide specifics as to the
13 process: how can farmers make inquiries; what information do the farmers have to provide;
14 what precise information will the government disclose in return; and how quickly will the
15 government provide the response. The judgment should also include a date by which the
16 process will be in effect. Finally, the government—rather than Monsanto or Forage
17 Genetics—must provide the information to the farmers. The government shall develop these
18 specifics in consultation with plaintiffs.

19 CONCLUSION

20 For the reasons explained above, defendants’ motion to amend/modify the judgment is
21 GRANTED. The parties shall meet and confer and submit to the Court within 14 days of the
22 date of this Order a proposed amended judgment that conforms with this Order.

23 IT IS SO ORDERED.

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25 Dated: June 25, 2007


26 CHARLES R. BREYER
27 UNITED STATES DISTRICT JUDGE
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